REMARKS

This paper responds to the Final Office Action dated March 22, 2007 and to the Advisory Action mailed on July 11, 2007. In addition, this Amendment is in furtherance to the previously filed Amendment Under 37 C.F.R. 1.116(b), which was entered by the Advisory Action. Reconsideration is respectfully requested in light of the above amendment and the following remarks.

1.   Status of Claims

Claims 1-28 were previously cancelled. Claim 29 is currently amended. This amendment both cures the section 112 objection raised in the Final Office Action and further distinguished the claim over the cited prior art. New claims 39-44 have been added.

2.   Rejection under 35 U.S.C. § 112

The Examiner rejected claims 29-38 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Specifically, the Examiner indicated that the phrase "by receiving presence data from the messaging client, without **continuously** transmitting presence information requests thereto, indicating that the messaging clients has returned to the first known state," is not disclosed in the specification (with the emphasis to "continuously" included in the rejection). In the previously filed Amendment Under 37 C.F.R. 1.116(b) this limitation was removed to cure the rejection under § 112 and put the claim in better condition for possible appeal.

By this Amendment, a new limitation is added which specifies that if the presence server does not receive any communications from the messaging client during a predetermined period of time, then the state table is modified and further periodic data transmissions are inhibited "without transmitting any presence information from the presence server to the messaging

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client." This new limitation clarifies that if no communications are received from the messaging client during a predetermined time period, then the presence server performs the modifying and inhibiting actions without transmitting <u>any</u> presence information to the messaging client. This amendment is supported, at least, by Fig. 3 and its corresponding description. For instance, Fig. 3 illustrates an example in which the messaging server (*i.e.*, presence server) automatically changes the state table for client A and ceases further data transmission to client A after a timeout interval (T_{CS}) has expired without receiving a communication from client A. As illustrated, this happens without the presence server transmitting any presence information (*e.g.*, "pinging") client A.

3. <u>Rejections under 35 U.S.C. § 103</u>

Claims 29-30 and 32-38 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Agrawal (U.S. Pub. No. 2002/0083127) in view of Dorencosch (U.S. Pub. No. 2002/0173308). Claim 31 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Agrawal in view of Doresncosch and Mathis (U.S. Pub. No. 2003/0083046). The Applicants submit that claims 29-38, as amended, are patentable over the cited art.

As explained above, claim 29 has been amended to specify that that if the presence server does not receive any communications from the messaging client during a predetermined period of time, then the state table is modified and further periodic data transmissions are inhibited "<u>without transmitting any presence information requests from the presence server to the messaging client</u>." This is distinct from the systems described in the cited references, including the Agrawal reference.

Agrawal teaches that an application, or an application server, interacts with a presence server that acts as a repository of presence information for devices communicating via the application. Significantly, the application periodically contacts the devices to confirm and update their presence status at the server. That is, the messaging server in Agrawal continuously "pings" the devices to determine their presence status. For instance, after one or more alert messages (i.e., presence status requests) are sent from the messaging server to a messaging device, the presence is changed to "present and inactive." (See, Agrawal, para. 0052). This action can be a waste of network resources, particularly in bandwidth constrained networks such as wireless networks. The invention recited in claim 29 avoids the need to "ping" the messaging devices because the presence server automatically changes the messaging device presence status to an "unknown state" and inhibits further communication after the predetermined period of time has expired, without transmitting any presence information requests (i.e., without pinging the client.) This is distinct from the "present and inactive" status described in Agrawal. In Agrawal, the server knows that the device is "present and inactive" because it has sent one or more transmissions without a response. In the claimed method, however, the presence state of the device is "unknown" because the state has been changed after a timeout period without making any attempt to "ping" the device for a status update.

For at least these reasons, the Applicant submits that claim 29 and its dependent claims 30-38 are patentable over the cited references and are in condition for allowance.
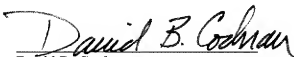
4.   New Claims 39-44

New claims 39-41 are also patentably distinct from the cited references. Among other distinctions, none of the cited references include a messaging server that stores state information for messaging clients, where the messaging clients have *no more than three possible instant*

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messaging states. For instance, the instant messaging application described in the Agrawal reference, includes numerous possible states. (See, Agrawal, para. 0025). As explained in the Background section of the instant application, the use of numerous instant messaging states, as described in Agrawal, requires a high level of network traffic to keep the device status updated. The inventions recited in claims 39-44 reduce the necessary network traffic by limiting the number of instant messaging states.

Respectfully submitted,

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